

REMARKS

Claims 1-8, 12-15, 17-53, and 55-67 were pending and stand rejected. Applicants thank the Examiner for examination of the claims pending in this application and address his comments below.

Applicants are amending claims 1, 13, 33, 37, 45, and 65 in this Amendment and Response, adding claims 68 and 69, and canceling claims 24-26, 41-43, and 56-58. These changes do not introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

Applicants' representative, Christopher King, conducted a telephonic interview with Examiner Bates on April 15, 2009. During the interview, Applicants' representative and the Examiner discussed the Examiner's rejections of claims 1 and 67. A summary of the interview is incorporated into these Remarks.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Claim Objections

Applicants have amended claim 37 to recite that it is dependent on claim 33, thereby obviating the objection. Applicants thank the Examiner for bringing the typographical error to their attention.

Response to Rejections under 35 U.S.C. §§ 103(a)

Claims 1-8, 12-15, 23-47, 55-65 and 67 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gruen, U.S. Patent Publication No. 2005/0057584, in view of Daniell, U.S. Patent Publication No. 2004/0054737, and in further view of Newton, U.S. Patent Application No. 2003/0131061. Claims 17-22 and 48-53 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gruen in view of Daniell and in further view of Bengel ("Archiving and Indexing Chat Utterances"). Claim 66 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gruen in view of Daniell and Newton and in further view of Shtivelman, U. S. Patent No. 6,346,952. These rejections are now addressed together.

Independent claim 1 as amended recites, in part, a method of processing instant messenger events associated with an instant messenger application, comprising:

determining a length of time of inactivity of a user after which to compile an instant messenger event associated with the user, the determined length of time being specific to an identity of the user;
monitoring a current length of time of inactivity of the user;
responsive at least in part to **the monitored current length of time of inactivity exceeding the determined length of time of inactivity**, capturing an instant messenger event associated with the user by compiling event data associated with at least one instant messenger message

...

Thus, the claimed invention recites determining a length of time of inactivity of a user **after which to compile** an instant messenger event associated with the user, where the determined length of time is **specific to an identity of the user**. Further, the claimed invention recites that a current length of time of inactivity of a user is monitored, and an instant messenger event is captured responsive at least in part to the monitored current length of time of inactivity **exceeding** the determined length of time of inactivity. Thus, the current length of time of inactivity and the determined length of time of inactivity are **distinct** lengths of time.

The applied references do not disclose such limitations. Gruen discloses a calendar bar utility with a special user interface, as well as creating a conversation thread tree for email messages. (Gruen, Abstract, paragraph 0048). Daniell discloses systems and methods for integrating instant messaging (IM) services and email services. (Daniell, Abstract). Newton discloses a proxy server connected to a local network that directs an instant message originating from the local network to its destination, bypassing a remote network and IM server, if the destination is on the local network. (Newton, Abstract).

The Examiner properly notes that Gruen fails to disclose a number of claimed features, including that the instant message event is compiled after determining a length of time of inactivity, or that the determined length of time is specific to an identity of the user. Nor does the Examiner assert that Daniell discloses such features, instead citing Daniell only for compilation of event data related to sessions. Thus, the Examiner relies on Newton for these features, and specifically cites Newton's paragraphs 104 and 105. These paragraphs generally disclose that an IM messaging session may be defined as starting and ending based on given events such as an IM window opening or closing, and that messages can be collected into sessions based on the parties to the messages and the time that the message was made, respectively, but do not disclose the claimed features. In the interview of April 15, the Examiner clarified that he considers the claimed "length of time of inactivity of a user" to be, in Newton, whatever amount of inactivity of a user in a session has presently elapsed. However, this interpretation fails to show a length of time of inactivity of a user **after which to compile an instant messenger event**; rather, it merely shows determining a **current** amount of elapsed time.

Even accepting this interpretation for the sake of argument, however, Newton fails to more specifically show that an instant messenger event is captured "responsive at least in part to

the monitored current length of time of inactivity exceeding the determined length of time of inactivity.” As discussed with the Examiner during the interview of April 15th, the amended claim language now draws an explicit distinction between the determined length of time of inactivity and the monitored current length of time of inactivity. Given this explicit distinction, the implied time of inactivity of a user in a session of Newton’s paragraphs 104 and 105 at best corresponds to the claimed “monitored current length of time of inactivity,” rather than to the determined “length of time of inactivity after which to compile an instant messenger event associated with the user, the determined length of time being specific to an identity of the user,” which is not disclosed by cited paragraphs 104 or 105. Nor does Newton show the determined length of time of inactivity in portions not cited by the Examiner. For example, Newton does not employ a length of time of inactivity **specific to an identity of the user**, but instead employs a period that is fixed for all users. Since Newton does not show the claimed determined length of time of inactivity, it necessarily follows that Newton also cannot show determining whether it is exceeding by the monitored current length of time of inactivity, as claimed. Thus, as agreed by the Examiner during the interview of April 15th, the amended language of the claimed invention renders the Examiner’s interpretation untenable.

Nor do Bengel or Shtivelman remedy the deficiencies of Gruen, Daniell and Newton. Bengel discloses real-time archiving for instant messenger clients, in which user messages are stored and retrievable by date and time, by username, and by keywords. (Bengel pages 2-3, “Approach”). Shtivelman discloses a system for extracting keywords from an interactive text dialog and providing the extracted keywords as a dialog summary. (Shtivelman, Abstract). Neither Bengel nor Shtivelman disclose or suggest the claimed features, nor does the Examiner suggest that they do so.

Independent claim 33 recites “determining a length of time of inactivity of a user after which to compile an instant messenger event associated with the user, the determined length of time being specific to an identity of the user,” “monitoring a current length of time of inactivity of the user,” and “capturing, responsive at least in part to the monitored current length of time of inactivity exceeding the determined length of time, an instant messenger event” and is therefore allowable for at least the same reasons discussed above with respect to independent claim 1.

Independent claim 65 recites “determining a predefined period of instant messenger inactivity of a user after which to compile an instant messenger event associated with the user, the determined length of time being specific to an identity of the user,” “monitoring a current period of inactivity of the user”, and “responsive at least in part to the monitored current period of inactivity of the user exceeding the determined predefined period of instant messenger activity, compiling an instant messenger event,” and is thus allowable for at least the same reasons discussed above with respect to independent claim 1.

The remaining claims depend, directly or indirectly, from one of claims 1 or 33, and recite additional patentably distinguishable features and limitations. Thus, the remaining claims are patentably distinguishable from the applied references for at least the same reasons discussed above with regard to their respective independent claims.

In particular, dependent claim 67 recites “identifying an instant messenger event at least in part by hooking into the instant messenger application’s notification application program interface.” The Examiner cites Daniell Figure 7, elements 308, 614, and 310, which depict an IM user interface, a chat window, and a roster window, respectively. Daniell paragraph 0081, explaining Figure 7, states that the address book object and database and the tray manager provide an interface between the email and IM components, and that integration of email and IM

may be achieved by having a central address book database that is accessible to the various IM and email components. However, as discussed during the interview of April 15th, this fails to disclose **identifying an instant messenger event** at least in part by **hooking into** the instant messenger application's **notification application program interface**. Rather, it merely shows that a globally available address book can be used to integrate email and instant messaging, but use of an address book is not the same as hooking into an application programming interface (API).

Therefore, Applicants respectfully request that the current rejections be withdrawn. The Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully submitted,

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